

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Talasila KAMALAKAR et al.

Application No.: 10/510,064

Filed: April 4, 2002 (as PCT/IB02/01068)

For: NOVEL PHARMACEUTICAL COMPOSITIONS FOR ANTIHISTAMINIC-
DECONGESTANT COMBINATION AND METHOD OF MAKING SUCH
COMPOSITIONS

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

This is submitted in response to the Notification of Abandonment that was mailed on February 24, 2005 for the subject application, a copy of the Notice being attached. If any fee is due in connection with this submission, please charge **Deposit Account No. 50-3220** (in the name of Dr. Reddy's Laboratories, Inc.) for the required amount. However, the undersigned believes that there was no valid basis for the holding of abandonment, and for this reason no fee should be charged.

Attached hereto are: a true copy from the file that is maintained for this application by Dr. Reddy's Laboratories, Inc., of the Form PTO-1390 that was submitted on October 4, 2004 to complete the U.S. national phase filing requirements; and a true copy from that file of the post card receipt that was returned to us. The PTO-1390 clearly identified a valid deposit account number for charging the national phase fees, and also authorized charging any deficiencies to the account. The form, which was the version then provided for public use by the United States Patent and Trademark Office, has no space for entering the name of the deposit account holder, so such entry cannot have been a requirement for charging the account. In any event, if the name was

needed, the Office could easily have contacted the undersigned to obtain that information. Applicants' attorney notes that the current version of Form PTO-1390 (revised 02/2005) also does not have any space for entering the name of the deposit account holder.

The undersigned has reviewed all entries made since October 4, 2004 in the bound logbook for mail received from the United States Patent and Trademark Office by Dr. Reddy's Laboratories, Inc., and can find only the following two entries that pertain to the subject application:

<u>Date Received</u>	<u>Description</u>
October 18, 2004	Return Post Card w/Serial No. 10/510,064
February 28, 2005	Notice of Abandonment

The Office did not contact the undersigned to provide any notice that there was a perceived deficiency in the national phase documents, prior to the determination that this application was abandoned.

In view of the foregoing, applicants hereby petition for withdrawal of the abandonment and, if a fee is charged for this petition, for a full refund of the charged fee to the above-identified deposit account, upon rendering a decision.

Please contact the undersigned if additional information or documentation is needed in connection with this petition.

Respectfully submitted,



Robert A. Franks
Attorney for Applicants
Reg. No. 28, 605

March 2, 2005

Dr. Reddy's Laboratories, Inc.
200 Somerset Corporate Blvd., Seventh Floor
Bridgewater, New Jersey 08807-2862
Telephone 908-203-6504
Facsimile 908-203-6515



COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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U.S. APPLICATION NUMBER NO. 10/510,064	FIRST NAMED APPLICANT Talasila Kamalakar et al	ATTY. DOCKET NO. GEN 3.3-015
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INTERNATIONAL APPLICATION NO. PCT/IB02/01068
I.A. FILING DATE 04/04/2002
PRIORITY DATE

Robert A Franks
Dr Reddy's Laboratories Inc
200 Somerset Corporate Blvd
Seventh Floor
Bridgewater, NJ 08807-2862

PATENT PROSECUTION GROUP

RECEIVED

FEB 28 2005

CONFIRMATION NO. 4267

371
ABANDONMENT/TERMINATION
LETTER

OC000000015258276

DATA ENTRY DATE

PA

Date Mailed: 02/24/2005

ATTY

FILE

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).
- Applicant has failed to provide User Name for Deposit Account in order to charge Basic filing Fee

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

Date of Deposit: October 4, 2004

COPY

PTO-1390 (Rev. 07-2004)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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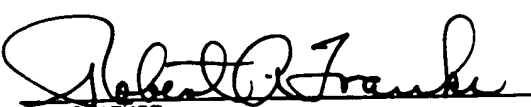
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER GEN 3.3-015
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
INTERNATIONAL APPLICATION NO. PCT/IB02/01068	INTERNATIONAL FILING DATE 04 April 2002	PRIORITY DATE CLAIMED
TITLE OF INVENTION NOVEL PHARMACEUTICAL COMPOSITIONS FOR ANTIHISTAMINIC-DECONGESTANT ...		
APPLICANT(S) FOR DO/EO/US KAMALAKAR, Talasila et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p style="margin-left: 20px;">b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</p> <p style="margin-left: 20px;">c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> is attached hereto.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p style="margin-left: 20px;">c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p style="margin-left: 20px;">d. <input checked="" type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information: Copy of PCT Request (9 pages) Post card receipt</p>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

COPY

PTO-1390 (Rev. 07-2004)
Approved for use through 3/31/2007. OMB 0651-0021
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/IB02/01068		ATTORNEY'S DOCKET NUMBER GEN 3.3-015	
21. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (CFR 1.492(a)(1)-(5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1080.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$920.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$770.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$730.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT =				CALCULATIONS PTO USE ONLY <div style="display: flex; justify-content: space-between;"> \$ 1110.00 </div>	
				Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)). \$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	17 - 20 =	0	X \$18.00	\$	
Independent claims	1 - 3 =	0	X \$88.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$290.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 1410.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
SUBTOTAL =				\$ 1410.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	
TOTAL NATIONAL FEE =				\$ 1410.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	
TOTAL FEES ENCLOSED =				\$ 1410.00	
				Amount to be refunded:	\$
				Amount to be charged:	\$
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>50-3220</u> in the amount of \$ <u>1410.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-3220</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO: Robert A. Franks Dr. Reddy's Laboratories, Inc. 200 Somerset Corporate Blvd., Seventh Floor Bridgewater, NJ 08807-2862					
				 SIGNATURE	
				Robert A. Franks NAME	
				28,605 REGISTRATION NUMBER	

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RECEIVED BY THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Talasila KAMALAKAR, et al.
Serial No.: To Be Assigned
(US National Phase Filing of PCT/IB02/01068)
Atty: RAF
Filed: October 4, 2004
Docket No.: GEN 3.3-015
For: NOVEL PHARMACEUTICAL
COMPOSITIONS FOR ANTIHISTAMINIC-
DECONGESTANT COMBINATION AND
METHOD OF MAKING SUCH
COMPOSITIONS

10/510064

Enclosed:

Transmittal Letter to the U. S. Designated/
Elected Office (DO/EO/US) Concerning a
Submission under 35 U.S.C. 371 (Form
PTO-1390) - 2 pages

Copy of PCT Request - 9 pages

Date Mailed: October 4, 2004

Express Mail Label No.: EV 612023393 US

MAILROOM - PLEASE DATE STAMP AND
RETURN TO US. THANK YOU.

DTOS Rec'd PCT/PTO 04 OCT 2004

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